

8.0 Hours of Service Regulations

Hours of service regulations define maximum driving times and minimum off-duty times for drivers of commercial vehicles (both bus and truck) in Canada. These limits were created to prevent dangerous fatigue-related incidents from happening. Operators of regulated vehicles must include information about hours of service in their safety programs.

The Commercial Vehicle Driver's Hours of Service Regulation (Federal: SOR/2005-313) applies to **extra-provincial motor carriers** and their drivers. Extra-provincial carriers are those that **have crossed** a provincial or international border at least once. The regulation applies to the operator's entire fleet, even if some of the drivers only operate point-to-point within Manitoba.

The Driver Hours of Service Regulation (Provincial: MR 72/2007) applies to **intra-provincial motor carriers** and their drivers. Intra-provincial carriers are those that **have never crossed** a provincial or international border.

Refer to **Appendix I** in this guide for sample forms to record a driver's time for Intra-provincial (Provincial) and Extra-provincial (Federal) operators.

Responsibilities of Motor Carriers, Shippers, Consignees and Drivers:

Motor carriers, shippers, consignees (receivers), other persons (safety officers; dispatchers), and drivers all have a role in preventing fatigue-related incidents. By law, these parties must take steps to prevent the driver from driving *if*:

- The driver's faculties are impaired to the point where it is unsafe for the driver to drive.
- Driving would jeopardize the safety of the public, the driver or the employees of the motor carrier.
- The driver is subject to an out-of-service declaration.
- The driver, in doing so, would not be in compliance with the regulations.

Drivers who are in violation of hours of service regulations may be subject to fines as well as being placed out of service.

Convictions under the hours of service regulations will negatively affect the carrier's profile. This may result in the carrier being identified for a facility audit. It will also negatively affect a driver's commercial driver record.

It is very important to understand the hours of service requirements. For additional information, the Canadian Council of Motor Transport Administrators (CCMTA) has developed a *Drivers Hours of Service Application Guide*.

This guide has many examples of log books and contains answers to frequently asked questions. For more information, visit http://www.ccmta.ca/images/publications/pdf//HoS_Application_Guide.pdf

Driving Limitations and Rest Requirements

There are three types of limitations that apply to a driver's time – (**daily limits**), (**work shift limits**) and (**cycle limits**). It is the driver's responsibility to comply with all three limitations at all times. Operators must be aware of these limitations. Fatigued drivers pose a great risk to themselves and all motorists around them and must not operate a commercial vehicle in a fatigued state.

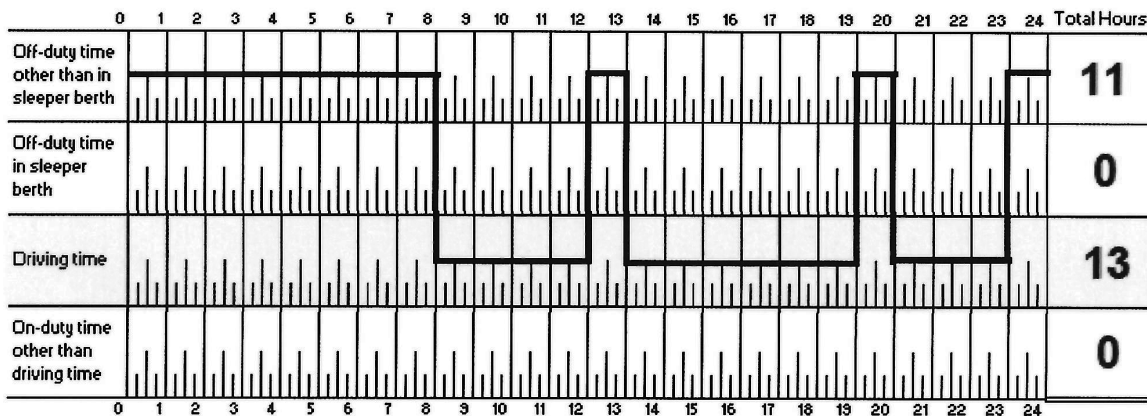
Daily Limits:

A day is a 24-hour period designated by the operator. It is usually midnight-to-midnight, but the operator may designate any 24-hour period. Once designated, it cannot change, except with a Cycle Reset (see below). The driver must record the hour at which their day starts if other than midnight on their daily log or record of duty status.

Rules that apply to a driver's day include the 13-hour rule, the 14-hour rule and the 10-hour rule.

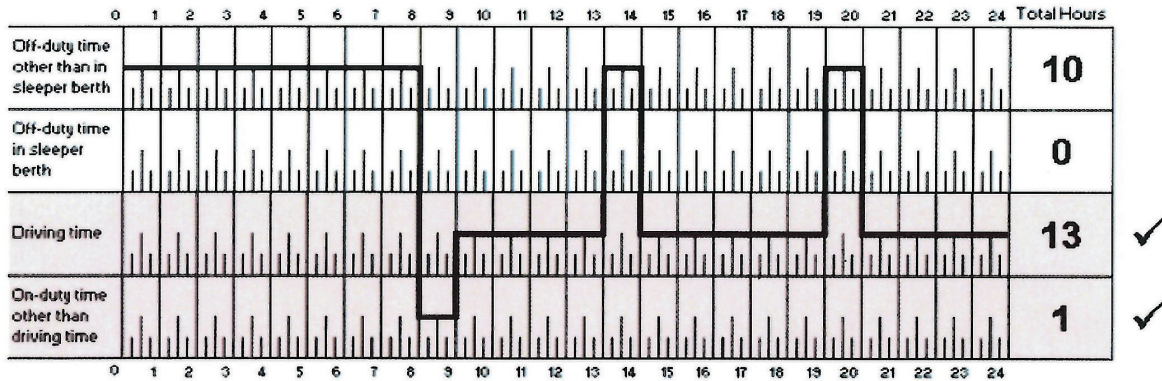
The 13-Hour Driving Time in a Day Rule

A driver cannot drive a commercial vehicle more than 13 hours in a day, and the operator may not request, require or allow a driver to do so. They may drive again after they have taken 8 consecutive hours of off-duty time.



The 14-Hour On-Duty in a Day Rule

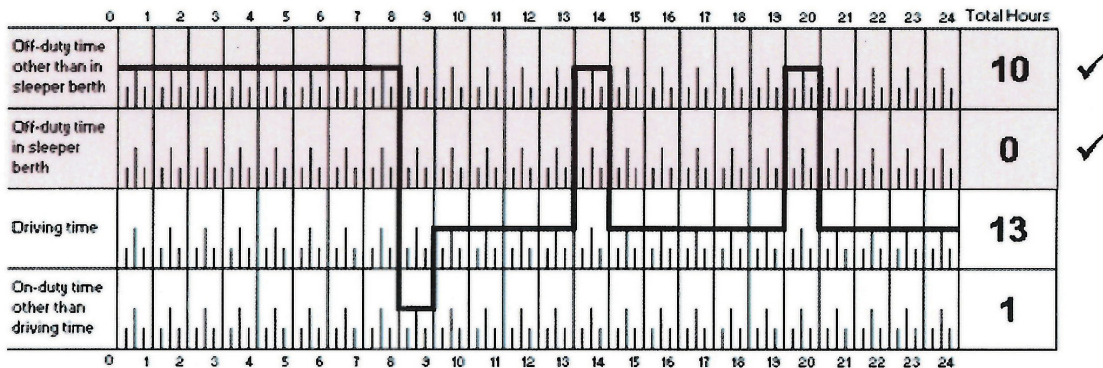
A driver cannot drive a commercial vehicle if they have accumulated 14 hours of on-duty time in a day, and the operator may not request, require or allow a driver to do so.



The 10-Hour Off-Duty in a Day Rule

A driver must have at least 10 hours of off-duty time in a day.

At least eight of these hours must be consecutive – this constitutes what is known as a **core rest**. The other two hours may be taken throughout the day in blocks of at least 30 minutes each.



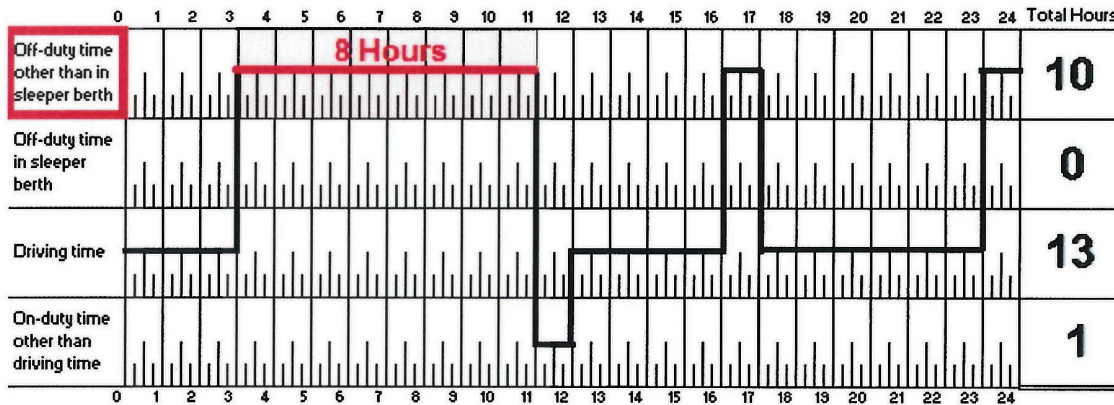
Work Shift Limits:

The Work shift is the period that begins when a driver begins work or is required by the motor carrier to be available to work, except if the driver is waiting to be assigned work, and that ends when the driver stops working or is relieved of responsibility by the motor carrier.

Rules that apply to a driver's work shift include the 13-hour work shift rule, the 14-hour work shift rule and the 16-hour work shift rule.

13-Hour Work Shift Rule

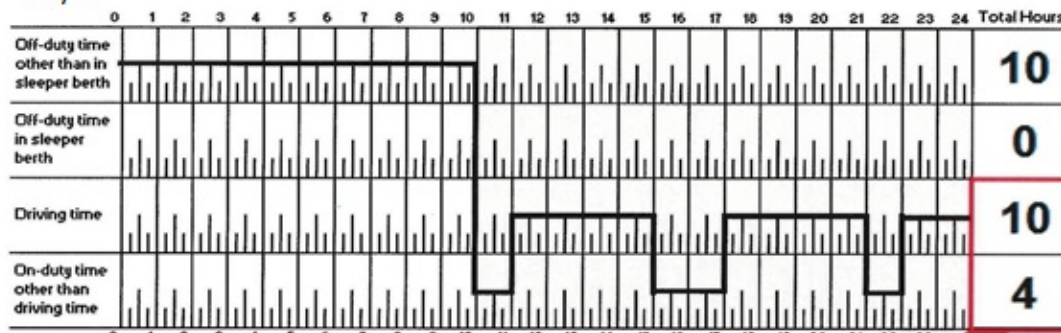
No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 13 hours of driving time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.



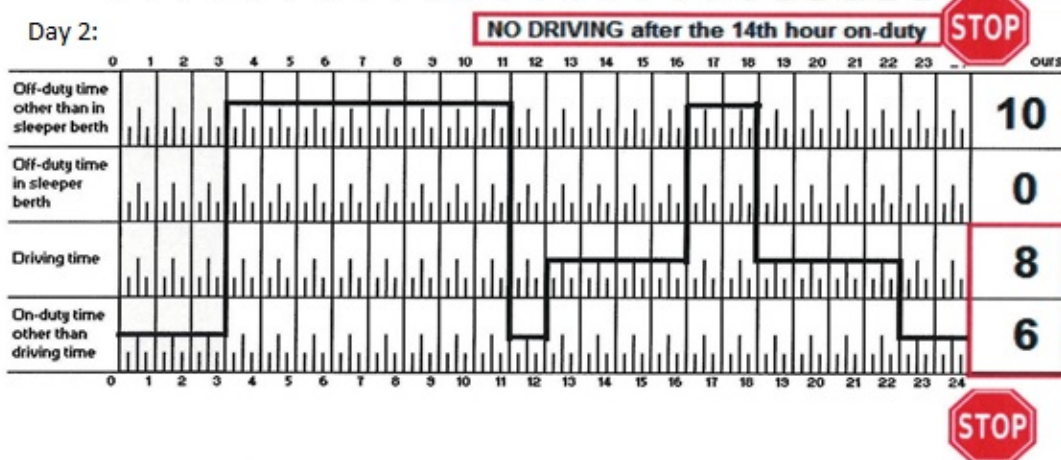
14-Hour Work Shift Rule

No motor carrier shall request, require or allow a driver to drive and no driver shall drive after the driver has accumulated 14 hours of on-duty time unless the driver takes at least 8 consecutive hours of off-duty time before driving again.

Day 1:



Day 2:



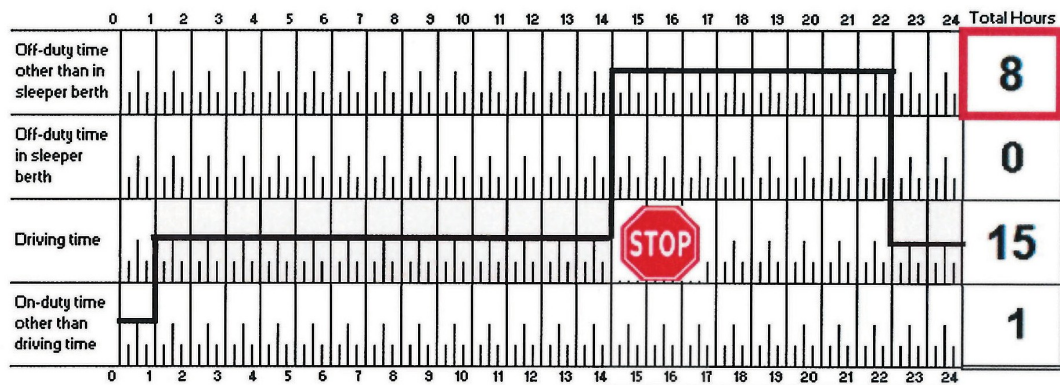
16-Hour Work Shift Rule

No motor carrier shall request, require or allow a driver to drive and no driver shall drive after 16 hours of time have elapsed between the conclusion of the most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.

Deferral of Off-Duty Time

A driver who is not splitting off-duty time may defer a maximum of 2 hours of the daily off-duty time to the following day if:

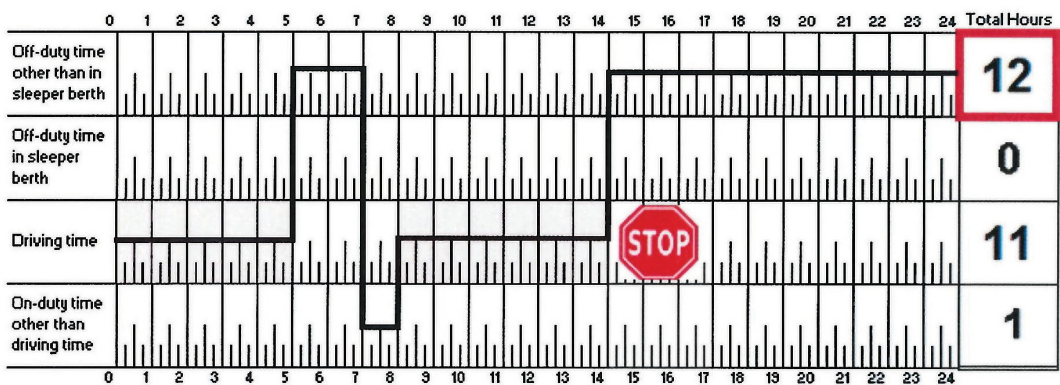
- The off-duty time deferred is not part of the mandatory 8 consecutive hours of off-duty time
- The total off-duty time taken in the 2 days is at least 20 hours
- The off-duty time deferred is added to the 8 consecutive hours of off-duty time taken in the second day
- The total driving time in the 2 days does not exceed 26 hours
- The driver declares in the "Remarks" section of the log, that the driver is making use of this provision, and clearly indicates whether it is day one or day two



Remarks: Deferral of off-duty time used - Day 1

STOP driving after 13 hours

2 hours of off-duty time missing on Day #1 gets added to off-duty time on Day #2



Remarks: Deferral of off-duty time used - Day 2

Driving Cycles

No motor carrier shall request, require or allow a driver to drive and no driver shall drive unless the driver has taken at least 24 consecutive hours of off-duty time in the preceding 14 days.

- There are two driving cycles: Cycle 1 and Cycle 2.
- A driver must declare on the log which cycle is being used.
- A driver cannot switch from one cycle to the other without taking the required off-duty time, as described under Cycle Reset below.
- A driver who is driving under Cycle 1 may accumulate a maximum of 70 hours on-duty in seven days.
- A driver who is driving under Cycle 2 may accumulate a maximum of 120 hours on-duty in 14 days. The driver must take at least 24 consecutive hours off-duty before accumulating 70 hours of on-duty time.

Cycle Reset:

A driver may begin a new cycle, resetting the accumulated hours to zero and beginning to accumulate again, if the driver takes the required time off-duty as follows:

- A driver who wishes to end the current Cycle 1 and begin a new Cycle 1 must first take at least 36 consecutive hours off-duty
- A driver who wishes to end the current Cycle 2 and begin a new Cycle 2 must first take at least 72 consecutive hours off-duty
- A driver who wishes to switch from Cycle 1 to Cycle 2 must first take at least 36 consecutive hours off-duty
- A driver who wishes to switch from Cycle 2 to Cycle 1 must first take at least 72 consecutive hours off-duty

Splitting of Daily Off-Duty Time - Single Drivers

A driver driving a commercial vehicle fitted with a sleeper berth may accumulate the mandatory off-duty time in 2 periods *if*:

- Neither period of off-duty time is shorter than 2 hours
- The total of the 2 periods of off-duty time is at least 10 hours
- The off-duty time is spent resting in the sleeper berth
- The sleeper berth meets the requirements of Schedule 1
- The total of the driving time in the periods immediately before and after of the periods of off-duty time does not exceed 13 hours
- The elapsed time in the periods immediately before and after each of the periods does not include any driving time after the 16th hour after the driver comes on-duty
- None of the daily off-duty time is deferred to the next day
- The total of the on-duty time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 14th hour

Splitting of Daily Off-Duty Time - Team Drivers

A team of drivers driving a commercial vehicle fitted with a sleeper berth may meet the mandatory off-duty time requirements by accumulating off-duty time in no more than 2 periods *if*:

- Neither period of off-duty time is shorter than 4 hours
- The off-duty time is spent resting in the sleeper berth
- The sleeper berth meets the requirements of Schedule 1
- The total of the driving time in the periods immediately before and after each of the periods of off-duty time does not exceed 13 hours
- The elapsed time in the periods immediately before and after each of the periods of off-duty time does not include any driving time after the 16th hour after the drivers comes on duty
- None of the daily time is deferred to the next day
- The total of the on-duty time in the periods immediately before or after each of the periods of off-duty time does not include any driving time after the 14th hour

DRIVER'S DAILY LOGS

Operators must ensure their drivers maintain accurate records of their duty status time for each calendar day. These times must be recorded in a log book or on a record of duty status (the record kept when all criteria are met for the log book exemption).

Motor Carrier Requirements

A motor carrier must:

- Require every driver to maintain a daily log for each day, that accounts for all of the driver's on-duty time and off-duty time
- Ensure that drivers turn in the original daily log and supporting documents within 20 days, and keep them on file (in chronological order for each driver) at the carrier's principal place of business for at least six months
- Not request, require or allow any driver to keep more than one daily log for any day
- Not request, require or allow any person to enter inaccurate information in a daily log
- Not request, require or allow any person to falsify, mutilate or deface a daily log or any support documents, and
- Monitor driver compliance, and take remedial action when non-compliance is observed. The carrier must record the dates on which the non-compliance occurred, the date of issuance of notice of non-compliance, and a description of the action taken.

Driver Requirements

A driver must:

- Maintain a daily log that accounts for all of the driver's on-duty time and off-duty time
- Turn in the original daily logs and supporting documents to the motor carrier within 20 days
- Not keep more than one daily log for any day, and
- Not falsify, mutilate or deface a daily log or any supporting documents

Logbook Required Information:

At the beginning of the day, the driver must legibly enter the following information:

- The date
- The start time, if other than midnight
- The name of the driver and the names of any co-drivers
- The cycle under which the driver is driving
- The licence plate number or unit number of each commercial vehicle operated by the driver that day, and any attached trailers
- The odometer reading of each commercial vehicle operated by the driver that day, **and**
- The names and addresses of the home terminal and the principal place of business of every motor carrier by which the driver will be employed or otherwise engaged during that day
- In the “Remarks” section of the daily log, if the driver was not required to keep a daily log immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day
- If applicable, a declaration in the “Remarks” section of the daily log that states that the driver is deferring off-duty time under section 16 and that clearly indicated whether the driver is driving under day one or day two of that time

During the day, the driver must enter the time and location of each change of duty status onto the graph grid, as the information becomes known.

At the end of the day, the driver must enter the following information:

- Total hours for each duty status
- Odometer reading
- Total distance driven by the driver that day, excluding the distance driven during any personal use of the vehicle (personal use must indicate the odometer readings at the beginning and end of the personal use), **and**
- The driver’s signature, attesting to the accuracy of the information

The graph grid must be completed as follows:

- The beginning time and ending time for each duty status by drawing a continuous line between the time markers
- The name of the municipality or legal subdivision and the name of the province, state or territory where a change of duty status occurs or, if the change in duty status occurs at a location other than a municipality or legal subdivision, one of the following:
- The highway number and the nearest kilometer marker as well as the name of the nearest municipality or legal subdivision
- The highway number and the nearest service plaza as well as the name of the nearest municipality or legal subdivision, **or**
- The numbers of the highways that meet at the nearest intersection as well as the name of the nearest municipality or legal subdivision, **and**
- The total number of hours of each period of duty status, which total must equal 24 hours
- If a driver is engaged in making deliveries in a municipality that results in a number of periods of driving time being interrupted by a number of short periods of other on-duty time, the periods of driving time may be combined and the periods of other on-duty time may be combined on the grid

Use of Electronic Recording Devices:

A driver may use an electronic recording device for recording their duty status, if the device is capable of recording and displaying all the required information.

The device is capable of displaying

- The driving time and other on-duty time for each day the device is used
- The total on-duty time remaining and the total on-duty time accumulated in the cycle
- The sequential changes in duty status and the time at which each change occurred for each day the device is used
- The driver is capable, if so requested by an inspector, of preparing a handwritten daily log from the information stored in the device for each day on which the device is used
- The device automatically records when it is disconnected and reconnected and keeps a record of the time and date of these occurrences
- The device records the time spent in each duty status of the driver
- Any hard copy of the daily log that is generated from the information that is stored in the device is signed on each page by the driver attesting to its accuracy, **and**
- The motor carrier provides blank daily log forms in the commercial vehicle for the driver's use

NOTE: The federal Commercial Vehicle Drivers Hours of Service Regulation mandates Electronic Logging Devices for all Extra Provincial carriers effective June 2021.

Possession of Logs and Support Documents

Drivers required to maintain logs must, at a minimum, have in their possession a log for the current day (completed up to the last change of duty status) and the previous 14 days, as well as any supporting documents the driver received in the course of the current trip.

Submitting Logs to Carrier:

The driver shall:

A driver shall, within 20 days after completing a daily log, forward the original and supporting documents to the home terminal.

A driver who is employed or otherwise engaged by more than one motor carrier in any day shall, within 20 days after completing a daily log, forward the original and supporting documents to the home terminal of the first motor carrier and a copy to the home terminal of each other motor carrier.

The motor carrier shall:

Deposit the daily logs and supporting documents at its principal place of business within 30 days after receiving them and keep them in chronological order for each driver for a period of at least six months.

Exemptions

Logbook Exemption (Federal)

A driver is exempt from having to maintain a logbook if **all** of the following conditions apply:

- The driver operates within a 160 kilometer radius of the driver's home terminal
- The driver returns to the home terminal each day to begin a minimum of eight consecutive hours of off-duty time
- The motor carrier maintains accurate and legible records showing, for each day:
 - The driver's elected cycle
 - The driver's on-duty time, **and**
 - The driver is not driving under a permit issued under these regulations

The exemption only applies to the logbook requirement. The driver must still be in compliance with the Hours of Service Regulations. Carriers must retain the time records for at least six months.

Logbook Exemption (Provincial)

A driver is exempt from having to maintain a logbook if **all** of the following conditions apply:

- The driver operates within 160 kilometer radius of the driver's home terminal
- The driver returns to the home terminal each day to begin a minimum of eight consecutive hours of off-duty time
- The motor carrier makes an accurate time record showing the driver's daily hours of on-duty time, including the time each work shift starts and ends
- The driver is not driving under a permit issued under these regulations

The exemption only applies to the logbook requirement. The driver must still be in compliance with the Hours of Service Regulations. Carriers must retain the time records for at least six months.

Vehicle Exemptions

The federal and provincial hours of service regulations DO NOT apply to the following vehicles:

- a two or three-axle commercial vehicle transporting primary products of a farm, forest, sea or lake if produced by the operator or the driver; or the return trip, if empty or transporting products used in the principal operation of a farm, forest, sea or lake
- an emergency vehicle
- a vehicle transporting people or goods to provide disaster relief
- a commercial vehicle being driven for personal use **if**:
 - it has been unloaded
 - any trailers have been unhitched
 - the distance travelled does not exceed 75 km per day, and
 - the driver records in the log book the odometer readings at the beginning and end of the personal use

In addition, for intra-provincial operators, the provincial hours of service do not apply to the following types of vehicles:

- a vehicle that is used solely for personal transportation
- a limited-use regulated vehicle that has a registered gross weight less than 6,800 kg and is not operated outside Manitoba
- a farm truck that is registered in the farm trucks registration category
- a municipal transit bus
- a bus that is not a school bus and not used to transport passengers for compensation (ie: a bus owned by a religious institution)
- a hearse
- a Manitoba Hydro utility repair vehicle while responding to an electric power or natural gas service outage or problem that constitutes a danger to persons or property

Emergency Conditions Exemptions

Hours of service limitations may be extended for a driver who requires more driving time in an emergency. This allows the driver to reach the first destination that provides safety for the occupants of the commercial vehicle and for other users of the road or the security of the commercial vehicle and its load. The driver must stop at the first place of safety. A driver who uses this exemption must write that they have done so in the remarks section of their daily log.

Adverse Driving Conditions Exemption

A driver who encounters adverse driving conditions may extend the permitted driving time and reduce the two hours of daily off-duty time by the amount of time needed to complete the trip *if*:

- The driving, on-duty and elapsed time in the elected cycle are not extended more than two hours
- The driver still takes the required eight consecutive hours of off-duty time
- The trip could have been completed under normal driving conditions
- The adverse driving conditions were not known or could not have been reasonably known by a driver or carrier before the driver began driving

Adverse driving conditions are defined as snow, sleet, fog, or other adverse weather or road conditions.

Winter Road Permits Exemption

Winter roads permits are issued to extend the driving time while a commercial driver is on the winter road system in Manitoba. The permit allows the driver to drive in excess of the 13 hours driving and the 14 hours on-duty limitations while on the winter road system and for up to four hours after leaving the winter road system in order to reach the home terminal or a safe place to rest. A driver must take at least eight consecutive hours of off-duty time before exceeding these limits. Drivers must maintain log books (use the remarks section to note winter roads) and must produce documentation showing the delivery point on the winter road system.

Motor Carrier Responsibilities

Monitoring by Motor Carriers

A motor carrier shall monitor the compliance of each driver with the applicable hours of service regulations. A motor carrier that determines that there has been non-compliance shall take immediate remedial action and record the dates on which the non-compliance occurred and the action taken to correct the non-compliance.

Motor carriers must demonstrate due diligence by having the necessary systems, policies and practices in place to identify and rectify issues of non-compliance. There are both proactive and reactive steps a carrier can take to ensure compliance. While issues of non-compliance will always exist, the carrier must continue to do what is reasonably expected. It is critical that corrective actions be documented to support the claim of due diligence.

Proactive Measures

A carrier's proactive approach is a key component of the Hours of Service management program. The carrier should develop and implement written policies and procedures to ensure compliance with the regulations. This enables the carrier to undertake corrective action by applying pre-determined disciplinary actions for non-compliance.

Effective training of operational staff responsible for driver supervision and dispatch, in addition to drivers, is an integral component of a safety management program. Personnel must have knowledge and understanding of the regulations and be aware of the policies, procedures and available options.

Training new drivers, and re-training of existing drivers who have demonstrated a continuing pattern of violations, is very important in achieving a high level of compliance and minimizing intervention from enforcement agencies.

Self-Audit

A self-audit program is an integral component of a carrier's safety program. With it, the carrier can readily identify areas of non-compliance. A self-audit program includes reviewing driver logbooks, supporting documents such as fuel receipts, bills of lading and any other relevant documentation.

It is important that the findings be documented to substantiate any corrective/disciplinary action taken.

Logbooks should be audited to ensure that:

- There is a log for every day
- Logbooks are complete with all required information
- Drivers are in compliance with the daily, shift and cycle limitations
- The logs are true and accurate when compared to support documents such as dispatch records, fuel receipts, payroll and bills of lading
- Logs are true and accurate when analyzed with a distance over time check
- On-duty time logged agrees with supporting documents and payroll records

Reactive Measures / Corrective Action

A motor carrier MUST take corrective action when non-compliance is observed. This may involve one or a combination of evaluation and assessment, re-training, and disciplinary actions up to and including dismissal. The disciplinary process should be progressive in nature. It may be initiated with a verbal warning and escalate to written warnings, suspensions and ultimately termination.

The carrier must be able to react appropriately to situations of non-compliance. A self-audit program, timely reviews of driver records, driver disclosures and monitoring of the carrier profile will assist in identifying inappropriate behavior. Corrective measures may include re-training and/or disciplinary action, as identified in the carrier's disciplinary process. A Carrier who does not take corrective action when needed is not demonstrating due diligence.

Record Keeping

The carrier must retain driver logbooks and support documents for at least six months. If the driver is exempt from the logbook requirement, the carrier must keep a record of each driver's duty status, declared cycle, starting and ending time, and total hours in each duty status, for at least six months. Logbooks, support documents, and records must be kept in chronological order at the carrier's chief place of business in Manitoba. On request by a peace officer, the carrier must produce these records at any reasonable time. A peace officer is not required to give the carrier prior notice.

Enforcement and Penalties

Drivers

Drivers who are in violation of the Hours of Service Regulations may be subject to fines, as well as being placed out of service as follows:

- A driver who is deemed to be excessively fatigued, impaired, or otherwise incapable of driving safely, may be placed out of service for 10 consecutive hours.
- A driver who exceeds the driving and/or on-duty limitations may be placed out of service for 10 consecutive hours.
- A driver, who is in violation of the mandatory off-duty time requirement may be placed out of service for 8 consecutive hours.
- A driver, who is in violation of any duty limitations, mandatory rest requirements, or cycle limitations, may be placed out of service for the number of hours needed to correct the failure.
- A driver who has duplicate, false or inaccurate logs, or who has mutilated or defaced a daily log or supporting document, may be placed out of service for 72 hours.

Motor Carriers

Convictions under the Hours of Service Regulations will have a negative impact on the carrier's Carrier Profile. An accumulation of these convictions – solely or in combination with convictions for other offences may result in the carrier being identified by the Carrier Profile System as a facility audit candidate.